

Executive Summary – Enforcement Matter – Case No. 43212
TRINITY PINES CONFERENCE CENTER, INC.
RN103014494
Docket No. 2012-0047-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Trinity Pines WWTP, located approximately 1,500 feet west of Lake Livingston, and approximately 1,400 feet north of Farm-to-Market Road 356, Trinity County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 6, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,450

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,450

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 43212
TRINITY PINES CONFERENCE CENTER, INC.
RN103014494
Docket No. 2012-0047-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: November 9, 2011
Date(s) of NOE(s): December 5, 2011

Violation Information

Failed to comply with the permitted effluent limitations for 5-day biochemical oxygen demand ("BOD5"), flow, and total suspended solids ("TSS") [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Facility:

- a. By August 14, 2011, cleaned and treated lift station, increased the wasting rate to reduce the solids level, and pumped solids from the chlorine contact chamber into the sludge digester to address BOD5, flow, and TSS exceedances; and
- b. By September 30, 2011, returned to compliance with the permitted effluent limits of TPDES Permit No. WQ0014842001.

Technical Requirements:
N/A

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 43212
TRINITY PINES CONFERENCE CENTER, INC.

RN103014494

Docket No. 2012-0047-MWD-E

Respondent: Phillip Springer, Executive Director, TRINITY PINES CONFERENCE CENTER, INC., 4341 Farm-to Market Road 356, Trinity, Texas 75862

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Dec-2011	Screening	23-Dec-2011	EPA Due	
	PCW	25-Jan-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	TRINITY PINES CONFERENCE CENTER, INC.		
Reg. Ent. Ref. No.	RN103014494		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43212	No. of Violations	2
Docket No.	2012-0047-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$7,000**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 60.0% Enhancement **Subtotals 2, 3, & 7** \$4,200

Notes

Enhancement for eight months of self-reported effluent violations and one order with denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$1,750**Economic Benefit** 0.0% Enhancement* **Subtotal 6** \$0Total EB Amounts \$26
Approx. Cost of Compliance \$500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$9,450**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$9,450**STATUTORY LIMIT ADJUSTMENT****Final Assessed Penalty** \$9,450**DEFERRAL**

0.0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$9,450

Screening Date 23-Dec-2011

Docket No. 2012-0047-MWD-E

PCW

Respondent TRINITY PINES CONFERENCE CENTER, INC.

Policy Revision 2 (September 2002)

Case ID No. 43212

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103014494

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for eight months of self-reported effluent violations and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 23-Dec-2011

Docket No. 2012-0047-MWD-E

PCW

Respondent TRINITY PINES CONFERENCE CENTER, INC.

Policy Revision 2 (September 2002)

Case ID No. 43212

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103014494

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations, as documented during a record review on November 9, 2011, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	X		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate five-day biochemical oxygen demand ("BOD₅") and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") and flow were also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended for the month of July 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDPRP/Settlement Offer

(mark with x)

The Respondent achieved compliance by September 30, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent TRINITY PINES CONFERENCE CENTER, INC.
Case ID No. 43212
Reg. Ent. Reference No. RN103014494
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	31-Dec-2010	30-Sep-2011	0.75	\$1	\$25	\$26
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean and treat lift station, increase the wasting rate to reduce the solids level, and pump solids from the chlorine contact chamber into the sludge digester to address BOD₅, flow, and TSS exceedances. Date required is the initial month of noncompliance. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$26

Screening Date 23-Dec-2011

Docket No. 2012-0047-MWD-E

PCW

Respondent TRINITY PINES CONFERENCE CENTER, INC.

Policy Revision 2 (September 2002)

Case ID No. 43212

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103014494

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations, as documented during a record review on November 9, 2011, and shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate BOD₅ to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

90 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters including the months of December 2010, and February and August 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance by September 30, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent TRINITY PINES CONFERENCE CENTER, INC.
 Case ID No. 43212
 Rea. Ent. Reference No. RN103014494
 Media Water Quality
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

EFFLUENT VIOLATION TABLE							
TRINITY PINES CONFERENCE CENTER, INC.							
TPDES Permit No. WQ0014842001							
Docket No. 2012-0047-MWD-E							
Months	BOD ₅ Daily Avg. Conc.	BOD ₅ Single Grab Conc.	BOD ₅ Daily Avg. Loading	Flow Daily Avg.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Loading
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 2.1 lbs/day	Limit = 0.025 MGD	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 3.1 lbs/day
December 2010	c	c	c	c	17	c	c
February 2011	c	c	c	c	16	c	c
July 2011	21	40	3.5733	0.025571	24	c	4.2269
August 2011	13	c	c	c	32	78	3.4964
BOD ₅ = five-day biochemical oxygen demand				mg/L = milligrams per liter			
TSS = total suspended solids				lbs/day = pounds per day			
Avg. = Average				MGD = million gallons per day			
Conc. = Concentration				c = compliant			

Compliance History

Customer/Respondent/Owner-Operator:	CN600696124	TRINITY PINES CONFERENCE CENTER, INC.	Classification: AVERAGE	Rating: 3.33
Regulated Entity:	RN103014494	TRINITY PINES WWTP	Classification: AVERAGE	Site Rating: 3.33
ID Number(s):	WASTEWATER	EPA ID		TX0087203
	WASTEWATER	PERMIT		WQ0014842001
	WASTEWATER	EPA ID		TX0087203
	WASTEWATER LICENSING	LICENSE		WQ0012371001
Location:	APPROX. 1,500 FT W OF LAKE LIVINGSTON, AND APPROX. 1,400 FT N OF FM 356 IN TRINITY CO, TX			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	December 29, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 29, 2006 to December 29, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Jennifer Graves	Phone:	(956) 430-6023	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3. If YES, who is the current owner/operator? | N/A |
| 4. If YES, who was/were the prior owner(s)/operator(s)? | N/A |
| 5. If YES, when did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2011 Repeat Violator: | NO |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 05/03/2009

ADMINORDER 2008-1788-MWD-E

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions PERMIT

Description: Failure by Trinity Pines Conference Center to submit the Annual Sludge Reports.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR PERMIT

Description: Failure by Trinity Pines Conference Center to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: ELMR PERMIT

Description: Failure by Trinity Pines Conference Center to discharge effluent compliant with permit limits.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

Rqmt Prov: MRR PERMIT

Description: Failure by Trinity Pines Conference Center to perform accuracy check for the chlorine

meter.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

Rqmt Prov: MRR PERMIT

Description: Failure by Trinity Pines Conference Center to use an EPA approved method for measuring Dissolved Oxygen.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter D 305.65

30 TAC Chapter 305, SubChapter F 305.125(2)

Description: Failure by Trinity Pines Conference Center to operate with a Texas Pollutant Discharge Elimination System (TPDES) Permit.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: MRR No. 1 PERMIT

Description: Failure by Trinity Pines Conference Center to submit the Discharge Monitoring Report by the 20th of every month.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: MRR No. 1 PERMIT

Description: Failure by Trinity Pines Conference Center to accurately complete the Discharge Monitoring Report.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/07/2007	(624621)
2	03/07/2007	(624622)
3	03/07/2007	(624623)
4	03/07/2007	(624624)
5	07/14/2008	(693760)
6	07/14/2008	(693761)
7	07/14/2008	(693762)
8	07/14/2008	(693763)
9	07/14/2008	(693764)
10	07/14/2008	(693765)
11	07/14/2008	(693766)
12	07/14/2008	(693767)
13	07/14/2008	(693768)
14	07/14/2008	(693769)

15	07/14/2008	(693770)
16	07/14/2008	(693771)
17	07/14/2008	(693772)
18	07/14/2008	(693773)
19	06/24/2008	(699466)
20	10/29/2008	(702681)
21	07/23/2008	(715100)
22	07/21/2008	(715101)
23	11/21/2008	(730925)
24	11/17/2008	(730926)
25	11/17/2008	(730927)
26	11/17/2008	(730928)
27	11/17/2008	(730929)
28	12/22/2008	(730930)
29	02/23/2009	(754166)
30	11/02/2009	(766575)
31	03/23/2009	(771485)
32	04/23/2009	(771486)
33	05/21/2009	(771487)
34	02/24/2010	(814546)
35	06/22/2009	(814547)
36	07/17/2009	(814548)
37	09/02/2009	(814549)
38	09/22/2009	(814550)
39	11/23/2009	(814551)
40	12/18/2009	(814552)
41	01/20/2009	(814553)
42	01/22/2010	(814554)
43	03/24/2010	(834309)
44	04/22/2010	(834310)
45	05/24/2010	(834311)

46 10/26/2009 (834312)

47 06/21/2010 (847323)

48 09/20/2010 (868167)

49 08/23/2010 (868168)

50 09/22/2010 (875094)

51 10/25/2010 (882705)

52 11/19/2010 (889116)

53 12/23/2010 (897490)

54 01/21/2011 (903382)

55 03/14/2011 (917510)

56 04/20/2011 (928554)

57 03/07/2007 (928555)

58 07/14/2008 (928556)

59 05/23/2011 (939203)

60 06/20/2011 (946624)

61 07/20/2011 (953880)

62 08/25/2011 (960475)

63 09/19/2011 (966532)

64 12/06/2011 (968219)

65 02/24/2011 (972546)

66 10/20/2011 (972547)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2007 (928556) CN600696124

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2008 (730926) CN600696124

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2008 (730928) CN600696124

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2009 (771487)

CN600696124

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2010 (903382)

CN600696124

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2011 (917510)

CN600696124

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2011 (960475)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2011 (966532)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TRINITY PINES CONFERENCE
CENTER, INC.
RN103014494

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-0047-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TRINITY PINES CONFERENCE CENTER, INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located approximately 1,500 feet west of Lake Livingston, and approximately 1,400 feet north of Farm-to-Market Road 356 in Trinity County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on November 9, 2011, TCEQ staff documented the following from the self-reported monthly discharge monitoring reports ("DMRs"):

EFFLUENT VIOLATION TABLE							
	BOD ₅ Daily Avg. Conc.	BOD ₅ Single Grab Conc.	BOD ₅ Daily Avg. Loading	Flow Daily Avg.	TSS Daily Avg. Conc.	TSS Single Grab Conc.	TSS Daily Avg. Loading
Months	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 2.1 lbs/day	Limit = 0.025 MGD	Limit = 15 mg/L	Limit = 60 mg/L	Limit = 3.1 lbs/day
December 2010	c	c	c	c	17	c	c
February 2011	c	c	c	c	16	c	c
July 2011	21	40	3.5733	0.025571	24	c	4.2269
August 2011	13	c	c	c	32	78	3.4964
BOD ₅ = five-day biochemical oxygen demand TSS = total suspended solids Avg. = Average Conc. = Concentration				mg/L = milligrams per liter lbs/day = pounds per day MGD = million gallons per day c = compliant			

4. The Respondent received notice of the violations on December 7, 2011.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By August 14, 2011, cleaned and treated lift station, increased the wasting rate to reduce the solids level, and pumped solids from the chlorine contact chamber into the sludge digester to address BOD₅, flow, and TSS exceedances; and
 - b. By September 30, 2011, returned to compliance with the permitted effluent limits of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014842001.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0014842001, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Nine Thousand Four Hundred Fifty Dollars (\$9,450) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Nine Thousand Four Hundred Fifty Dollar (\$9,450) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nine Thousand Four Hundred Fifty Dollars (\$9,450) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TRINITY PINES CONFERENCE CENTER, INC., Docket No. 2012-0047-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

5/21/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of TRINITY PINES CONFERENCE CENTER, INC. I am authorized to agree to the attached Agreed Order on behalf of TRINITY PINES CONFERENCE CENTER, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, TRINITY PINES CONFERENCE CENTER, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

Feb. 24, 2012
Date

Phillip Springer
Name (Printed or typed)
Authorized Representative of
TRINITY PINES CONFERENCE CENTER, INC.

Executive Director
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.